

REMARKS

Claims 1-21 are pending in the application. Claims 1-18, 20, and 21 stand rejected under 35 U.S.C. §102(b) as anticipated by Naka et al. Claim 19 stand rejected under 35 U.S.C. §103(a) as obvious over Naka et al. in view of Logg (Re. 35,314).

On February 15, 2000, the undersigned had a telephone interview with Primary Examiner Jessica J. Harrison regarding the independent claims under rejection.

Primary Examiner Harrison agreed that independent claims 1, 7, and 10 are neither anticipated nor obvious over the art of record. Each of these claims requires split screen means which automatically splits the screen and automatically merges the split screens into a single screen in response to certain events.

In claim 1, the split screen means is responsive to player location means such that when two players' game locations are within a preset range, the separate portions of the graphical display for the two players are merged into a single portion of the graphical display, and when the two players' game locations are outside the preset range, the graphical display for the two players is split into separate portions.

In claims 7 and 10, the split screen means is responsive to the game logic such that the graphical screen is split into separate portions when the players are acting individually and the separate portions are merged into a single portion when the players are acting jointly.

Claims 2-6 depend from claim 1; claims 8 and 9 depend from claim 7; and claims 11 and 12 depend from claim 10. It is therefore submitted that claims 1-12 are allowable over the art of record.

Independent claim 13 includes "means for requiring the two players to act jointly". Independent claims 18 and 20 include "means for requiring the two players to act cooperatively". Primary Examiner Harrison explained that these claims were interpreted broadly to read on means disclosed in Naka et al. and Logg. It was explained to the Examiner that both of these references were known to the Applicant at the time this application was drafted and that claims 13, 18, and 20 were drafted with the intention of avoiding these references.

At pages 3-4 of the instant application, the Naka et al. reference is described as follows: "[T]he game disclosed in this patent does not require any cooperation among the players and the "cooperative mode" does not involve cooperation among players....

The "cooperative mode" disclosed in the [Naka et al.] patent is when one player takes control of more than one character on the game field. In the [Naka et al.] patent "cooperative mode" means that two characters perform the same actions in response to the control by a single player." Emphasis added. See, also, Naka et al. Col. 19, lines 1-13 and lines 54-59. Naka et al. prevents two players from playing in a cooperative mode.

In each of the claims 13, 18, and 20, the joint or cooperative action is required of the players, not of characters under control of a single player. It is respectfully submitted, therefore, that each of these claims clearly distinguishes over the Naka et al. reference and that nothing in Naka et al. would suggest this type of game play. Moreover, even if one misinterprets the meaning of "cooperative", Naka et al. does not require any kind of cooperative play. The so-called "cooperative mode" disclosed by Naka et al. is entered when one player falls behind and is not required.

The Logg reference is also discussed at page 3 of the instant disclosure where it is described as follows: "[Logg] discloses a video maze game for multiple players where the players must cooperate at points in the game in order to complete the game. Only one mode of cooperation is required and it is relatively simple. The entire game field is larger than the video display

but is scrollable in four directions. Each player appears as a character on the game field. Limited cooperation among players is forced by requiring that all characters be visible at all times. Thus, in order to scroll the game field, all of the characters must cooperate (either knowingly or inadvertently) to move in the same direction." However, as pointed out by the Primary Examiner during the interview, Logg actually discloses a few other types of cooperative action such as one character¹ using a key to open a door so that the other characters can pass through. Column 2, lines 30-35. Logg also discloses some other "forms of cooperation" at Column 11, line 54 through Column 12, line 19. These forms of cooperation consist of moving as a group to protect each other, a decoy strategy to attract monsters, sharing limited resources, and agreeing which limited resources will be acquired by which characters. However, there is no disclosure that any of these cooperations is required. Indeed, reading these portions of the reference clearly suggests that all of these other modes of cooperation are optional and not required to complete the game.

Claims 14-17 depend from claim 13 and are allowable for the same reasons as claim 13.

Claim 18 identifies the cooperative action required as being "selected from the group consisting of both players operating on

¹In Logg, unlike Naka et al., the word "character" can be used synonymously with the word "player".

the same object at the same time, each player operating on a different object at the same time, one player operating on a first object before the other player operates on said first object, one player accomplishing one task while the other player accomplishes another task, one player accomplishing a first task before the other player accomplishes a second task." Arguably, Logg's teaching of one player opening a door before another player can pass through it would read on "one player accomplishing a first task before the other player accomplishes a second task." However, Logg specifically states that the character in possession of the key may open the door. Log, therefore, does not require any of the actions listed in claim 18.

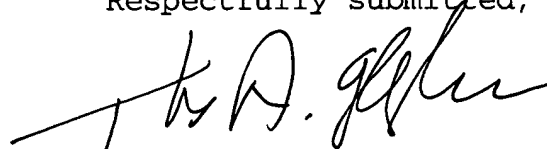
Claim 19 depends from claim 18 and is allowable for the same reasons as claim 18.

Claim 20 specifies that "neither player can complete the game without the other player also completing the game." Clearly the Logg reference does not meet this limitation. As mentioned above, Naka et al. does not meet the limitation of requiring cooperation between two players. Although Naka et al. prevents a novice player or an inattentive player from losing by a wide margin, it certainly allows one player to win, i.e. to complete the game without the other player completing the game.

Claim 21 has been amended to correct an antecedent basis problem.

In light of all of the above, it is submitted that the claims are in order for allowance, and prompt allowance is earnestly requested. Should any issues remain outstanding, the Examiner is invited to call the undersigned attorney of record so that the case may proceed expeditiously to allowance.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "T. A. Gallagher", written over a horizontal line.

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